STATUTORY RULES OF NORTHERN IRELAND

2008 No. 410

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2008

Made - - - -	*3rd October 2008*
Coming into operation	*6th October 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 5(1)(a) and 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), and now vested in it(**3**), and sections 1(5) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**4**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 4 and 5 should not be referred to it(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2008 and shall come into operation on 6th October 2008.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**7**) are amended in accordance with paragraphs (2) and (3).

(**1**) 1992 c. 7
(**2**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 165(3) was amended by paragraph 10 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 2002 c. 14 (N.I.)
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1997 No. 156, S.R. 2002 No. 323, S.R. 2004 No. 304 and S.R. 2005 Nos. 122 and 139

(2) In regulation 19(3)(**8**) (time for claiming benefit)—

(a) at the end of sub-paragraph (ga) omit "and";

(b) in sub-paragraph (h) for "dependant." substitute "dependant; and", and

(c) after that sub-paragraph add—

"(i) state pension credit.".

(3) In Schedule 4 (prescribed times for claiming benefit) omit paragraph 12(**9**).

Amendment of the State Pension Credit Regulations

3.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**10**) are amended in accordance with paragraphs (2) to (4).

(2) For regulation 3(**11**) (persons temporarily absent from Northern Ireland) substitute—

"**Persons temporarily absent from Northern Ireland**

3. A claimant's entitlement to state pension credit during periods of temporary absence from Northern Ireland is to continue for up to 13 weeks if—

(a) the period of the claimant's absence from Northern Ireland is unlikely to exceed 52 weeks, and

(b) while absent from Northern Ireland the claimant continues to satisfy the other conditions of entitlement to state pension credit.

Persons temporarily absent from Northern Ireland on 6th October 2008

3A. Where a claimant—

(a) is already temporarily absent from Northern Ireland on 6th October 2008;

(b) had a continuing entitlement to state pension credit immediately before that day, and

(c) while absent from Northern Ireland, continues to satisfy the other conditions of entitlement to state pension credit,

the claimant's entitlement to state pension credit is to continue during that period of absence from Northern Ireland for up to 13 weeks.".

(3) In regulation 5 (persons treated as being or not being members of the same household)—

(a) for paragraph (1)(f)(**12**) substitute—

"(f) he is absent from Northern Ireland for more than 13 weeks;", and

(b) omit paragraph (3)(**13**).

(4) In Schedule 3 (special groups) in paragraph 1(8) after "regulations" omit "3,".

(**8**) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and paragraph 3 was amended by paragraph 2 of the Schedule to, S.R. 2002 No. 323, regulation 2(2) of S.R. 2004 No. 304, regulation 2(3) of S.R. 2005 No.122 and regulation 2(2)(a) of S.R. 2005 No. 139

(**9**) Paragraph 12 was inserted by regulation 2(3) of S.R. 2004 No. 304

(**10**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 No. 421 and S.R. 2006 No. 128

(**11**) Regulation 3 was amended by regulation 2(4) of S.R. 2003 No. 421 and regulation 5(2) of S.R. 2006 No. 128

(**12**) Paragraph (1)(f) was substituted by regulation 2(5)(a)(ii) of S.R. 2003 No. 421

(**13**) Paragraph (3) was inserted by regulation 2(5)(b) of S.R. 2003 No. 421